

Docket No.: 1169-034

JC10 Rec'd PCT/PTO 09 NOV 2005 #  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Isabelle POQUET et al. ) Confirmation No.3827  
U.S. Patent Application No. 10/525,449 )  
Filed: February 24, 2005 )

For: ZINC-REGULATED PROKARYOTIC EXPRESSION CASSETTES

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Missing Parts of Application dated September 9, 2005, submitted herewith are the following documents for filing in the above-referenced application:

1. Executed Declaration and Power of Attorney (which is in compliance with 37 CFR 1.497(a) and (b));
2. Late Filing Fee Surcharge of **\$130.00** (for providing the Oath or Declaration later than 30 months from the priority date); and
3. One (1) Hard Copy (Diskette) and one (1) Paper Copy of Sequence Listing with a Statement to Support Filing And Submission In Accordance With 37 C.F.R. §§ 1.821-1.825.

Please find enclosed a Credit Card Charge Form in the amount of **\$130.00** to cover the filing fee. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R.

11/15/2005 MKAYPAGN 00000161 10525449

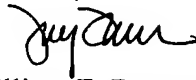
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130.00 GP

1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayments to Deposit Account 07-1337.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**



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**November 9, 2005**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,449	Isabelle Poquet	1169-034

INTERNATIONAL APPLICATION NO.
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PCT/FR03/02606

I.A. FILING DATE	PRIORITY DATE
08/29/2003	08/30/2002

22429

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CONFIRMATION NO. 3827  
 371 FORMALITIES LETTER  
 \*OC000000016974185\*  
 \*OC000000016974185\*

Date Mailed: 09/09/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/24/2005
- Copy of the International Search Report filed on 02/24/2005
- Preliminary Amendments filed on 02/24/2005
- Information Disclosure Statements filed on 02/24/2005
- Biochemical Sequence Listing filed on 02/24/2005
- U.S. Basic National Fees filed on 02/24/2005
- Priority Documents filed on 02/24/2005

DOCKETED BY: MMDUE DATE: 11-9-05MISSING BANK

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,449	PCT/FR03/02606	1169-034